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05 OCT 25 PM 1:53 2005 OCT 21 PM 4:17

THOMAS M. GOULD  
 CLERK, U.S. DISTRICT COURT  
 W.D. OF TENNESSEE

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 CLERK, U.S. DISTRICT COURT  
 W.D. OF TENNESSEE

**IN THE UNITED STATES DISTRICT COURT  
 IN AND FOR THE WESTERN DISTRICT OF TENNESSEE**

UNITED STATES OF AMERICA,

**MOTION GRANTED**  
 Plaintiff,

**JON PHIPPS McCalla**  
 No. CR 4-20513  
 U.S. DISTRICT COURT  
 Oct. 25, 2005

vs.

MANUEL DUARTE, Jr.,

Defendant.

**DEFERRED TO CONTINUE  
 REPORT DATE**

Honorable Jon Phipps McCalla

It is expected that excludable delay pursuant to 18 U.S.C. § 3161(h)(1)(F) may occur as a result of this motion or from an order based thereon.

**COMES NOW** the Defendant, **Manuel Duarte, Jr.**, by and through his attorney undersigned, and hereby moves this Court for continuance of the Report Date currently scheduled for the Friday, October 28, 2005; for a period of no less than 30 days for the following reasons:

1. Change of Plea has been set for Thursday, November 17, 2005 at 8:30 a.m. before the Honorable Phillip McCalla;

2. Assistant United States Attorney, Thomas Colthurst, has been notified of this continuance and expresses no objection to this continuance

This motion is made in good faith and not for the mere purpose of delay.

**RESPECTFULLY SUBMITTED** this 19<sup>th</sup> day of October, 2005.

**Ramiro Flores**  
 Attorney for Defendant

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Copy of the foregoing mailed  
this date to:

Judge Jon Phipps Mc Calla  
United States District Judge

Thomas Colthurst, Esq.  
Assistant United States Attorney  
234 Clifford David  
Federal Court Building  
157 N. Main Street  
Memphis, TN 38109

William D. Massey  
Law Office of Massey McClusky  
3074 East Street  
Memphis, TN 38128



## Notice of Distribution

This notice confirms a copy of the document docketed as number 54 in case 2:04-CR-20513 was distributed by fax, mail, or direct printing on October 25, 2005 to the parties listed.

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Ramiro S. Flores  
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Honorable Jon McCalla  
US DISTRICT COURT